
WELSH STATUTORY INSTRUMENTS

2020 No. 1628

**The Plant Health (Amendment etc.)
(Wales) (EU Exit) Regulations 2020**

PART 2

Amendment of secondary legislation

Part 5

18.—(1) Part 5 is amended as follows.

(2) In paragraph 17—

- (a) in the definitions of “contaminated” and “first growing year”, for “for the purposes of Article 5(1)(a) of [Directive 93/85/EEC](#)” substitute “pursuant to paragraph 19(1)(a)”;
- (b) in the definition of “possibly contaminated”, for “for the purposes of Article 5(1)(b) of [Directive 93/85/EEC](#)” substitute “pursuant to paragraph 19(1)(b)”.

(3) In paragraph 18—

- (a) in sub-paragraph (1), omit “, in accordance with Article 2(1) of [Directive 93/85/EEC](#)”;
- (b) after sub-paragraph (1) insert—

“(1A) In the case of tubers of *Solanum tuberosum* L., those surveys must include official testing of samples of seed and other potatoes in accordance with EPPO PM 7/59.

(1B) In the case of plants of *Solanum tuberosum* L., those surveys must be carried out according to appropriate methods and include appropriate official testing of samples.

(1C) The collection of samples for the purposes of sub-paragraphs (1A) and (1B) must be based on sound scientific and statistical principles and the biology of Potato ring rot and take into account relevant potato production systems.”;

- (c) in sub-paragraph (2)(a), for the words from “Annex”, in the first place it occurs, to “93/85/EEC”, in the second place it occurs, substitute “EPPO PM 7/59”.

(4) In paragraph 19(1)—

- (a) in paragraph (b), for “taking into account the matters set out in point 1 of Annex 3 to [Directive 93/85/EEC](#)” substitute—

“having regard to the following factors—

- (i) the susceptible material grown at the contaminated place of production;
- (ii) places of production with some production link to that susceptible material, including those sharing production equipment and facilities directly or through a common contractor;
- (iii) the production or presence of other susceptible material at the contaminated place of production;

- (iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in sub-paragraph (ii);
 - (v) any object that may have come into contact with the contaminated susceptible material;
 - (vi) any susceptible material stored in, or in contact with, any object prior to its disinfection;
 - (vii) any susceptible material with a sister or parental clonal relationship to the contaminated susceptible material and the places of production of that susceptible material;”;
- (b) in paragraph (c), for “matters set out in point 2 of Annex 3 to [Directive 93/85/EEC](#)” substitute “proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks”;
- (c) after paragraph (1) insert—
 - “(1A) When making a designation or determination under sub-paragraph (1), an inspector must have regard to sound scientific principles, the biology of Potato ring rot and relevant production, marketing and processing systems.”
- (5) In paragraph 20—
 - (a) in sub-paragraph (2)—
 - (i) in paragraph (a), for “any other measure that complies with point 1 of Annex 4 to [Directive 93/85/EEC](#)” substitute “an officially approved disposal method that ensures that there is no identifiable risk of Potato ring rot spreading”;
 - (ii) in paragraph (b), for “in accordance with point 2 of Annex 4 to [Directive 93/85/EEC](#)” substitute “in a manner that ensures that there is no identifiable risk of Potato ring rot spreading”;
 - (b) in sub-paragraph (3), for “[Directive 93/85/EEC](#)” substitute “this Part”.
- (6) In paragraph 21—
 - (a) in sub-paragraphs (2)(c), (3)(c) and (4)(d), for “Annex 1 to [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”;
 - (b) in sub-paragraph (8), for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”.
- (7) In paragraph 23(7)(b), for “Article 2 of [Directive 93/85/EEC](#)” substitute “EPPO PM 7/59”.